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January 27, 2015

Honorable William C. Griesbach
United States District Court for the Eastern District of Wisconsin
Federal Courthouse, Room 282
125 South Jefferson St.
Green Bay, WI 54305

RE: *United States of America v. Jessica Gilbert, et. al.*
United States District Court for the Eastern District of Wisconsin
Case No. 2013-CR-135

Dear Judge Griesbach:

On October 10, 2014, my client, Ms. Jessica Gilbert, was charged in a Superseding Indictment with one count of Conspiracy To Commit Mail And Wire Fraud contrary to 18 USC §§ 1341 and 1343. On November 3, 2014, Ms. Gilbert was found guilty by a jury along with Jessica Weinhart and Jason Schultz. She will be sentenced in your court on January 28, 2015.

What follows, is a brief synopsis of Jessica's background and character for your consideration. Attached are a number of letters from friends and family members, all attesting to Jessica's excellent character, personal struggles, and renewed dedication to self-improvement. I hope they will assist the court in determining an appropriate sentence.

We are asking that Jessica be sentenced to probation. While this is well below the guideline range PSR proposed of 70-87 months (Offense Level 27, Category I), it is appropriate under the facts of this case for 3 reasons: 1) she was truthful in her trial testimony as to her conduct at Midwest Timeshares in that she never affirmatively lied to any customers, rather she only followed the scripts and Mark Park's instructions to use them – the conclusions of the PSR writer notwithstanding [see PSR, ¶77], 2) she had a minimal role and was not, as the PSR asserts, a "manager;" rather she was a mere employee whose job was approved by her state probation agent even after the April 20, 2014 FBI raid, and 3) the claims that lies were systemic in the conspiracy via the "scripts" and "contracts," did not apply to Midwest Timeshares in either respect - as was undisputed in trial testimony.

Probation would constitute a "reasonable" sentence within this court's authority under *United States v. Booker*, 543 U.S. 220 (2005). I thank you in advance for your kind consideration and for taking the time to review these materials.

Character

As many of her friends and family elucidate in their letters, Jessica has, on numerous occasions, exemplified traits that are anything but self-serving and predatory. Phil Jackson, a friend of Jessica, notes the role model that she has been in his life, despite having problems of her own:

Jess was a very integral part of my sobriety process. I had a bit of a problem with drinking and she helped me work through my issues...Without her intervention and thoughtful advice I would be half the father or friend that I am today.

Others too have been greatly impacted by her kindness and generosity. Shana Wilson, a single mother and close friend of Jessica, writes:

When I had my daughter seven months ago and the father walked out on me in the hospital, Jessica came there and stayed with me and then went home with me to help. To say that she has helped me financially would be an understatement. She is always helping me out with gas money and things for the kids. She has even helped me cover my bills before when my paycheck simply didn't cut it. Jessica has changed her life to the fullest. The best thing she ever did was go to treatment. It all went uphill from there...Before you sentence her please look at how far she has come and how successful she has been on probation. Please don't send her to prison.

Jessica's exemplary character extends into the workplace as well, where she has demonstrated a strong work ethic and personal drive. Her coworker Eduardo Mosqueda writes:

I advised her that if she wanted a full time job that she had to turn her life around. In a time frame of about 6 months she made a complete change. A change not only in her behavior but also appearance. I then convinced her to apply full time as she was a great employee. Jessica applied and got hired on...then moved up to back-up packaging assistant, and now holds the lead packaging position on the line she works on. She works great with others, follows directions well and gives 110% everyday at work.

Douglas Nelson, Jessica's step-father, echoes the degree of improvement he witnessed in his daughter in this period:

I agreed to let Jessica come live with me after rehab, to help her turn her life around. I can say knowing Jessica her whole life, that after rehab Jessica has made a 180 in her life and I find it hard to write in words how much she has turned her life around. This is something that I have wanted for her for many years now, because I have always know deep down that a better person was in there.

The letters written by Jessica's friends and family not only illustrate manifest improvements in her life, but suggest that her personal shortcomings and legal troubles are aberrations for an individual who has time and again demonstrated altruism and kindness towards those around her.

CONCLUSION

Any consideration that you can give Jessica will be deeply appreciated by the Gilbert family and legally appropriate under these facts. Again, thank you for taking the time to consider these materials.

Sincerely,

BIRDSALL LAW OFFICES, S.C.

/s/ John A. Birdsall
John A. Birdsall

JAB/mor
Attachments

cc: Assistant United States Attorney Daniel Humble (w/ attachments)
Assistant United States Attorney Matthew Jacobs (w/ attachments)
Ms. Jessica Gilbert (w/ attachments)